

MEETING	Monday, March 16, 2015 Attles Meeting Room, 459 Broadway
TIME	5:40 PM
PRESIDING OFFICER	Mayor David P. Maher
PRESENT	Mayor Maher, Vice Mayor Benzan, Councillors Carlone, Cheung, Mazen, McGovern, Simmons and Toomey
ABSENT	Councillor Kelley
PRESENTATIONS	None
PLEDGE OF ALLEGIANCE	
MOMENT OF MEDITATION	
MAYOR ANNOUNCED THAT THE MEETING WAS BEING RECORDED WITH AUDIO AND VISUAL DEVICES.	
SUBMISSION OF THE RECORD	None

#### **PUBLIC COMMENT**

James Williamson, 1000 Jackson Place, spoke on City Manager Agenda #17. He stated that he walks daily and stated that it is stressful when almost getting run over by bicyclists who race around shared paths and have no consideration for people who are walking. He stated that for seven years he has been trying to get something done to address this problem. He stated that another multi use path will not be for people walking along this path. It is going to be a bike path. He noted that he looked back at the originating policy order and it pertains to cyclists having low stress. He stated that it is time for the City Council to pay attention to the fact that people are concerned about being under attack by the way people ride their bikes in the city. He asked the City Council to look at this subject from the perspective of pedestrians.

Hasson Rashid, 820 Massachusetts Avenue, spoke on Calendar Item #1 and Unfinished Business Item #11. He stated that in Cambridge, homelessness has been designated as a crisis due in part to the lack of affordable housing. He stated that eradication of homelessness is a priority. He stated that the City of Cambridge has failed to declare the Foundry as surplus property. He stated that the government in Cambridge has failed to let Human Services know that this property was available for the homeless. He added that each city department should let other city departments know of property that could be utilized for the homeless. He stated that it is a moral decision to help those less fortunate among us with programs of assistance.

Heather Hoffman, 213 Hurley Street, urged the City Council to take the Foundry item off the table and either pass it or get rid of it. She suggested that the City Council deal with Unfinished Business Item as well. She stated that she would like to speak about social and economic equity as spoken about in Councillor Cheung's resolution. Specifically, she stated that the communication about the proposed tower of expensive housing that may be going up in Kendall Square. She stated this has been dangled in front of the city for more than a decade. She stated that Boston Properties has received many concessions from the city for promising to build this. She commented that to add insult to injury, it is not enough that they have made millions of dollars out of promising to build this and now they do not want to provide 15% of affordable housing. She stated that ordinance is very clear. She stated that the amount allowed in this spot as of right is unlimited. She noted that the only limitations are the building code and the laws of physics. She stated that instead of providing 42 affordable units (15% of 280) they have proposed 36. She stated that this is six units less than they are supposed to provide. She asked the City Council to encourage all who have a hand in making this happen to make it happen.

Marilyn Wellons, 651 Green Street, spoke on Charter Right #4. She stated that she would like to call the City Council's attention to the city's lack of action on noise and light pollution that are forms of air pollution. She stated that causing people to live in these districts makes them live with this pollution. She stated that the problem is that the city is worried about discouraging development in any way because they need to increase the tax base. She pointed out that as it relates to affordable units, the city should also be concerned about achievement gaps in public schools. She noted that noise and light pollution affects attention span and can cause depression. She stated that we are asking people who are already at a disadvantage to expose themselves and their children to conditions where the children will be adversely affected. She stated that it is time for action.

## **RECONSIDERATION**

# 1 Here insert Reconsideration # 1 read by Mayor Maher. The question now came on reconsideration and on a voice vote reconsideration –  
Prevailed.

Councillor Simmons explained her reason for filing reconsideration. She stated that she appreciated the spirit of the Order but when she discussed this with the business associations and the Chamber of Commerce and was informed that it would be difficult to do as well as is costly. Festivals take a lot of work. Schedule have been pushed back because of the weather conditions. She further stated that not all neighborhood associations are robust. She stated that when things calm down to discuss with the neighborhood associations about what did and die not work well this winter. She moved that the matter be placed on the table.

Councillor Mazen commented that Cambridge has fewer festivals or public celebrations that it is capable of having. He wondered if there were some other idea to empower the community to come together to enjoy spring without passing it to future years. He wanted to lower costs so that in the future this could be a real festival.

Councillor Simmons stated that one of the comments that came up in her conversations with the neighborhood associations is how the City could help them to discuss what festivals

occur in the City. She stated that this is not the time to have a festival. The Order asked to have the festival now. The feedback that she received is that this cannot be done now.

Councillor Mazen stated that if something comes from the community he will bring it to his colleague's attention.

The question now came on placing the item on the table – and on a voice vote the motion –

Carried and the item was placed on the table.

#### **CONSENT AGENDA**

- # 1 Placed on file.
- # 2 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- # 3 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- # 4 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- # 5 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- # 6 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- # 7 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- # 8 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- # 9 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- #11 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- #12 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- #13 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- #14 Order adopted 8 – 0 – 1 (Councillor Kelley absent)
- #15 Order adopted 8 – 0 – 1 (Councillor Kelley absent)

#### **NON CONSENT AGENDA**

#10 Here insert Agenda #10 read by Mayor Maher. Councillor Toomey stated that this is a worthwhile program for people who need assistance with escalating heating and electric bills. He asked if there was funding cuts from the federal government. Ms. Semonoff explained that the allotment received is based on income as well as the federal money appropriated. The money from the federal government come in increments and this may be the last increment that Cambridge receives. This has raised the allotment amount somewhat, but the total allotment amount that can be received this year compared with last year is lower than last year's allotment. The reason for this is that the allotment to Massachusetts from the federal government is lower and last year the state also appropriated additional funding. Cambridge received \$175,000 from the state. She stated that she does not know if state money will be received this year because of the budget situation. There is an opportunity for those who maxed out to get a little more money. She stated that many reach the maximum allowed but this is a little more that will be distributed. Councillor Toomey requested information as to what was received from the federal government this year and last and a figure of what was cut so see if the City can assist the recipients who were cut. Ms. Semonoff explained that there has been received \$300,000 less than this time in May of last year.

The following order was now considered, the question being on adoption, to wit:  
(HERE INSERT ORDER FOR AGENDA #10)

On this question the roll was called and resulted as follows:

YEAS:	Vice Mayor Benzan, Councillors Carlone, Cheung, Mazen, McGovern, Simmons, Toomey and Mayor Maher	- 8
NAYS:	None	- 0
ABSENT:	Councillor Kelley	- 1

and the order was –  
Adopted.

#16 Here insert Agenda #16 read by Mayor Maher. Councillor Carlone commented on the need for controlling turn on red. He stated that it is interesting the fact that bicycles are also required to follow the rules. He stated that the summary was excellent. He stated that the focus needed to be on the least protected when it comes to transportation.

Councillor McGovern commented that the report states that no turn on red are problematic. He noted that the report highlights the dangers of the no turn on red but the end recommendation is to retain the no turn on red. City Manager Rossi stated that if a situation warranted a change the City would look at it.

#16 Placed on file.

#17 Here insert Agenda #17 read by Mayor Maher. Councillor Mazen noted that developers through incentive have attempted to purchase parts of the Pan Am/Guilford property. He asked what the plan is for the future. City Manager Rossi explained that the City did acquire the land from the Water Treatment Plant to Aberdeen Avenue. The land from this point to Watertown was acquired by the state. With Cambridge acquiring the land allows Cambridge to be part of this process to develop this multi-use path through a community process. This will be a large project. There are many issues including the railroad tracks, grades and runoff. Cambridge will enter this process with the DCR. Acting Assistant City Manager Iram Farooq explained the process from the Sozio site to the cinema. When the Concord-Alewife Planning Study was done the desire was made known to see this path continue. A zoning overlay district was created over the railroad land which provided that this could not be built upon but development rights could be transferred to adjacent properties. This land has become a valuable asset for Pan Am/Guilford. When the adjacent development tried to acquire the land the selling prices was high. Also this was not useful because it did not provide the height that the extra density would get. So this was not a good tradeoff for that particular project. However, this would be different for a project on the Fresh Pond Shopping Center. At a time when the shopping center redevelops this may be a useful component for them to acquire. In the City's estimation this is when a transaction may likely be successful. Councillor Mazen asked for a time frame. Ms. Farooq stated that it depends on the private property owner.

Councillor Carlone noted that the railroad track right of way is twenty-five-thirty feet and compared to the shopping center square footage this is a small amount of FAR new build-able square footage. He commented that another strategy may be to zone it as tracks and eventually take it at a lower density. He stated that the benefit is so minimal that this land will not be sold. He stated that maybe the City should look to other strategies. City Manager Rossi stated that the City asked the state to think about their involvement. He stated that there was a time when he thought that the part that the City bought would not be for sale, but this came to be. He suggested looking at railroad right of ways in general as passageways.

Mayor Maher stated that the proximity may be an issue. The bonus could be transferred to another location to correct the issue.

# 17 Placed on file.

#18 Here insert Agenda #18 read by Mayor Maher. Councillor McGovern stated that the recommendation calls for a zero percent increase in the water rate and a 6.8% increase in the sewer rate which combined is a 4.9% increase. This is the fifth year that the recommendation is for a zero percent increase in the water rate. He stated that in February 2015 \$34,000,000 sewer reconstruction bonds were issued and the annual debt service is include. He stated that residents over 65 who qualify for the discount will continue to receive the 15% discount. He compared the taxes, water and sewer rate in Cambridge to other communities. This really does impact the lives of people.

Mr. DePasquale stated that it is good news the zero percent water increase. He stated that the sewer rate is slightly higher than projected. He stated that the MWRA \$1 million increase had and impact on the rates. He stated that the City has no control over the MWRA Assessment. He stated that FY11-15 the rates were low. The consumption rate is holding which is good news in terms of the water rate. He stated that more was funded this year because there are seven major projects. City Manager Rossi acknowledged Commissioner O'Riordan and Managing Director of the Water Department Sam Corda who manage these budgets to keep in line with the revenue projections. He stated that solar panels will be added to the roof of the Water Treatment Plant. The City is also looking at ways to reduce costs.

Councillor Cheung stated that this is the way that the administration is mindful of residents and the taxes placed on file. He reiterated the concern about an abnormally high water usage that the City send a text message or call the resident to highlight the increase. He also mentioned again having the ability for residents to round up their water/sewer bill to help non-profits in the City with capital expenses. Mr. DePasquale stated that the City is still looking into the round up program. He stated that the City cannot get this to work with the fiscal system. He stated that on the information piece there has been something added to the water bill to make water leak response quicker and better. He stated that the budget will reflect ways that the City has addressed alleviating the problem quicker.

The following order was now considered, the question being on adoption, to wit:  
(HERE INSERT ORDER FOR AGENDA #18)

On this question the roll was called and resulted as follows:

YEAS:	Vice Mayor Benzan, Councillors Carlone, Cheung, Mazen, McGovern, Simmons, Toomey and Mayor Maher	- 8
NAYS:	None	- 0
ABSENT:	Councillor Kelley	- 1

and the order was -  
Adopted.

#19 Here insert Agenda #19 read by Mayor Maher. Councillor Mazen noted that the urgency and the timeframe of coming together after a catastrophic event is missing from the

report. He asked what the justification is for omitting the timeframe. Chief Public Health Officer Claude Jacobs stated that the policy order asked about mobilizing community members to talk about an event. He stated that each event is unique. This acknowledges that there are a number of departments that come together regarding public safety. There is a pilot project. Cambridge is one of seven cities that have been funded to look at the issue of vicarious trauma and how it impacts the workforce, particular the first responders and how resources affects community partners. Councillor Mazen stated that there is benefit by setting a time limit after a catastrophic event and putting a number on it. One is that urgency is important, sometimes, and having a follow up event is possible. It gets communities in the habit of when there is a true catastrophic event there is an alert network that can inform people immediately. He does not know if this type of culture is in place through public safety. He stated that it would be good to flex the community muscle.

Deputy City Manager Peterson stated that when it is wide spread event there is the reverse 911 System, essential media outlets. The City is always looking for more effective ways to get the word out. Councillor Mazen's focus was more on the time urgency issue. Flexing the community muscle is a matter of preparation and repetition.

Councillor Simmons stated that from the recommendation the community response team develop a method or procedure. She stated that what she was asking for was whether it was the Boston Marathon state-wide implication, broader or city-wide. She stated that the communication is better now. She stated that she wanted one consistent way for the City Council to get information that can be put out to the community. She explained that she wanted an ordinary and customary process. She stated that the City Council would hear from the City Manager through Mr. Gianetti and then the City Council can get the information into the community. She wanted the process easy and wanted to get the information from one person. She stated that the first 72 hours people are concerned and wanted the information. She stated that she was looking for information that is more predictable. City Manager Rossi stated that the person is Mr. Gianetti and he has set up liaison with the police, fire and public works around any of these issues. He stated that the administration has tried over the last year to get the City Council the information as soon as it is received. He stated that his instructions to Mr. Gianetti is to pass out the information to the City Council. This will be refined.

# 19 Placed on file.

## **CALENDAR**

#1-12 No action taken.

## **APPLICATIONS AND PETITIONS**

Councillor Simmons moved the adoption of the Applications and Petitions.

- # 1 Adopted by the affirmative vote of eight members.
- # 2 Adopted by the affirmative vote of eight members

## **CONSENT COMMUNICATIONS**

# 1 Placed on file

- # 2 Referred to the petition
- # 3 Placed on file
- # 4 Placed on file.

### **CONSENT RESOLUTIONS**

Councillor Simmons moved that the Resolutions be brought forward for discussion, adoption and upon adoption that they be made unanimously sponsored.

- #2-15 Adopted by the affirmative vote of eight members.
- #22-26 Adopted by the affirmative vote of eight members.
- #28-30 Adopted by the affirmative vote of eight members.

### **CONSENT POLICY ORDERS**

- # 5 Adopted by the affirmative vote of eight members.

### **COMMITTEE REPORTS**

- # 1 Here insert Committee Report # 1 read by Mayor Maher. Councillor Cheung stated that map included in the report shows where gas leaks were found in the City. The amount of gas that is being lost is a detriment to the environment. Where there is a gas leak it has been found that surrounding trees die and are not successfully regrown.

Councillor Mazen acknowledged the knowledgeable people from HEET. He stated that there is a cycle of road redevelopment with plans circulated to utility companies to prevent digging up streets more than once. He suggested that the City Council should consider an ordinance that requires repair of leaks even when not in the cycle. He wanted to discourage utility companies to use the cycle that Public Works uses. He wanted the leaks repaired in an expedient way. He stated his concern with killing trees. There is no reason that the environment should be polluted. He explained that consumers pay for the loss gas.

Councillor Carlone stated that the great trees in the front of the Fogg are dead because of the gas leak. He stated that Harvard did not test for a gas leak when the trees were planted. Trees die quickly. He stated that this is a critical issue.

Mayor Maher stated that in upper Massachusetts Avenue toward the Arlington line there was roadwork done as part of the sewer separation project and there are no gas leaks at all. He stated that Huron Avenue had some of the worse gas leaks and now with the sewer separation and utility work done this is one of the benefits of the work.

- # 1 Report accepted and placed on file on motion of Councillor Cheung.
- # 2 Here insert Committee Report # 2 read by Mayor Maher.

# 2 Report accepted, placed on file and referred to the petition on a motion by Vice Mayor Benzan. The petition was placed on file on January 29, 2015 due to Planning Board hearing not held in compliance with Chapter 40A due to snowstorm.

# 3 Here insert Committee Report # 3 read by Mayor Maher.

Councillor Toomey requested his colleagues to remove Attachments A and B and keep them so that they did not have to be reprinted to save the environment. He noted that there is another hearing on this issue on April 1, 2015. The information is repetitive.

# 3 Report accepted, placed on file and referred to the petition on motion of Vice Mayor Benzan.

# 4 Here insert Committee Report # 4 read by Mayor Maher. Vice Mayor Benzan moved that the report be accepted, placed on file and that the proposed amendment to the Zoning Ordinance be passed to a second reading.

Councillor Toomey stated that this has been before the Ordinance Committee several time. He asked his colleagues if they had questions or concerns that they send them to the Co-chairs. He noted that this can be ordained at the next regular meeting. He further stated that the work conducted at the Whitehead Institute is extremely important to the health of people worldwide. He stated that the East Cambridge Planning Team is in support of the petition. It is time for the City Council to act so that construction can begin. Whitehead will work with Community Development Department and the Cambridge Redevelopment Authority on the open space. They will assist with a pedestrian path. He informed his colleagues that it is his intention to move ordination of the petition at the next regular meeting.

Councillor Carlone support in principle this zoning but there were issues raised at the last meeting such as the price they would pay relating to the Nexus Study, whether the old or projected price. He stated that the discrepancies on the description of the building. The character of the open space on the inside is a big issue. He did not see why this cannot be resolved.

Councillor Mazen hoped that the issues will be resolved. He stated that his personal concern is what the frontage will be like and how it will be activated. He stated that with zoning the City Council is being asked to commit to something that is nebulously good and has value. He hoped for a clearer picture given that the planners are imminently good planners.

Vice Mayor Benzan stated that the Ordinance Committee has had two hearings on this petition. He stated that having Whitehead Institute making a commitment to the Grand Junction Path was important as well as carving out smaller retail spaces as opposed to one space and a commitment to hire local residents for jobs. Councillor Simmons also raised the issue of additional lighting along the corridor as well as the indoor community space that would be created. He informed the City Council that the petitioners would be providing a letter of agreement to the City Council and the City about the issues that were raised.

Councillor Carlone stated that zoning could be very creative. It can offer guidelines and could deal with the issues at hand.



The question now came on passage to a second reading the proposed amendment to the Zoning Ordinances, which reads as follows:  
(HERE COPY FIRST PUBLICATION # 3352)

The proposed amendment was -

Passed to a second reading at the City Council meeting held on March 16, 2015 and on or after March 30, 2015 the question come on passage to be ordained.

# 5 Here insert Committee Report # 5 read by Mayor Maher.

# 5 Report accepted and placed on file on motion of Councillor Simmons.

#### **NON CONSENT RESOLUTIONS**

# 1 Here insert Resolution # 1 read by Mayor Maher. Councillor Simmons acknowledged the work of Judge Singleton who served on bench for twenty-five years. He is retiring and there will be a celebration for him.

# 1 Adopted by the affirmative vote of eight members.

#16-21 Mayor Maher stated that the resolutions were congratulations to the recipients of the NAACP Scholarship Award by the Cambridge Branch of the NAACP.

Councillor Simmons stated that she was bringing the resolutions forward to amend them to list Vice Mayor Benzan as a co-sponsor. She also acknowledged the work of the NAACP and the award recipients.

Mayor Maher stated that the Nash was a student speaker at the breakfast and gave an impassioned speech. He is a senior at CRLS from Bangladesh.

#16 Insert resolution #16.  
Adopted by the affirmative vote of eight members.

#17 Insert resolution # 17  
Adopted by the affirmative vote of eight members.

#18 Insert resolution #18  
Adopted by the affirmative vote of eight members.

#19 Insert resolution # 19  
Adopted by the affirmative vote of eight members.

#20 Insert resolution # 20  
Adopted by the affirmative vote of eight members.

#21 Insert resolution # 21

Adopted by the affirmative vote of eight members.

#27 Here insert Resolution # 27 read by Mayor Maher. Councillor Simmons stated that it should read condolences to the family and the community of Marcia Deihl. She stated that she was a cyclist who was struck by a car and killed in Cambridge. There will be two community memorials for Ms. Deihl.

#27 Adopted by the affirmative vote of eight members.

### **NON CONSENT POLICY ORDERS**

#1 Here insert Order # 1 read by Mayor Maher. Councillor Simmons stated that the winter was bad and that many senior were standing in the bus shelters. She wanted the bus shelters heated or at least warmed for people. She cited to bus shelters one on Brookline Street and one in North Cambridge that the seniors use. She is hoping that these programs may work in Cambridge.

# 1 Adopted by the affirmative vote of eight members.

# 2 Here insert Order # 2 read by Mayor Maher. Councillor Simmons stated that this is a good time to go into your closets to donate gently used clothing by March 20, 2015. The YWCA will provide an opportunity for women living in shelters to pick through the clothing so that they may apply for jobs. This is opportunity to purge ones closets while providing a worthwhile opportunity to women in need. These are young women of color explained Mayor Maher.

# 2 Adopted by the affirmative vote of eight members.

# 3 Here insert Order # 3 read by Mayor Maher. Councillor Simmons asked Councillor Cheung to provide more background on this matter.

Councillor Cheung stated that today people are more likely to text rather than pick up the phone. He wanted to know if this was known by the Commissioner and the first responders and whether this was worthwhile for Cambridge. Councillor Simmons responded that this is a novel idea because young people do text rather than phone. She stated that at one time when 911 was dialed the call would go to the state police who would route it to the local police. Is this still the process, she asked. She asked if one texted would it go to the state police who would route it to the local police.

Councillor Cheung stated that if you dialed 311 it would route the call to Cambridge. He stated that Councillor Simmons' question was one that could be reported back to the City Council. Councillor Simmons stated that this is something to hear back on regarding how these calls are routed.

Councillor Mazen commented that there are many situations where a text to 911

would be more appropriate than a call. If someone is intimidated they may feel more comfortable texting.

# 3 Adopted by the affirmative vote of eight members.

# 4 Here insert Order # 4 read by Mayor Maher. Councillor Simmons stated that she viewed this as a jurisdictional issue that should not be coming before the City Council. She stated that it is premature and this is not a good precedent to set where the City Council is asking the City Manager for information that has not happened. She stated that the City Manager is looking at this matter.

Councillor Mazen stated that there are procedural issues that are important aside from the order. He stated that it is appropriate jurisdictionally when issues are raised that affect the government of the City or the policy for the City Council to look into the issues. He would never want to be dissuaded to formally add the concern of the City Council for the record. He stated that jurisdictionally and procedurally this motion is correct. He is only discussing the procedure. He moved to amend by striking out the words "on such matters the City Manager considers appropriate to address." He stated that he would not like to see this directive to the City Manager. He wanted the City Council to vote either in favor or against a matter.

The question now came on the amendment - and the roll was called and resulted as follows:

YEAS:	Councillors Carlone, Mazen and McGovern	- 3
NAYS:	Vice Mayor Benzan, Councillors Cheung, Simmons, and Toomey and Mayor Maher	- 5
ABSENT:	Councillor Kelley	- 1

and the amendment -  
Failed.

The question now came on the adoption of the order as submitted and the roll was called and resulted as follows:

YEAS:	Councillors Carlone, Mazen and McGovern and Mayor Maher	- 4
NAYS:	Vice Mayor Benzan, Councillors Cheung, Simmons and Toomey	- 4
ABSENT:	Councillor Kelley	- 1

and the order -  
Failed of adoption.

#### **LATE RESOLUTIONS**

#31-33 Resolutions were adopted by the affirmative vote of eight members.

At the end of the regular order of business Councillor Toomey moved suspension of the rules in order to move reconsideration, hoping that the same would not prevail.

The question now came on suspension of the rules - and on a voice vote of seven the rules were -

Suspended.

Councillor Mazen was recorded in the negative.

The question now came on reconsideration - and the roll was called and resulted as follows:

YEAS: Councillors Carlone and Mazen - 2

NAYS: Vice Mayor Benzan, Councillors Cheung, McGovern, Simmons,  
Toomey and Mayor Maher - 6

ABSENT: Councillor Kelley - 1

and reconsideration -

Did not prevail.

### **ADJOURNMENT**

On motion of Councillor Toomey the meeting adjourned at 7:18 PM.

*A list of documents and other exhibits used at the meeting:*

***City Manager's Agenda***

***City Council Agenda***

***CD of meeting***

